

Appl. No. 10/676,397
Docket No. 9047MQ
Amdt. dated 10/13/06
Reply to Office Action mailed on 08/08/06
Customer No. 27752

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REMARKS

Claim Status

Claims 1-6 and 17 are pending in the present application. No additional claims fee is believed to be due.

Claims 7-8 have been cancelled.

Claims 9-16 have been withdrawn as a result of an earlier restriction requirement.

Claim 1 has been amended to claim that the tissue paper product according to further comprises from about 0.1 kg/ton to about 2 kg/ton of a cationic charge biasing species. Support for this amendment is found in original Claims 7 and in the Specification, p. 7, lines 3-18.

Claim 17 has been added to claim a tissue paper product comprising from about 0.3 kg/ton to about 1 kg/ton charge biasing species. Support for this amendment is found in original Claims 7 and 8 and in the Specification, p. 7, lines 3-18.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 U.S.C. §102(b) over U.S. Patent No. 5,810,972

Claims 1-6 and 17 stand rejected under 35 USC §102(b) over U.S. Patent No. 5,810,972 (hereinafter "Reinheimer"). This rejection is traversed on the grounds that Reinheimer does not teach all of the Applicants' claimed limitations, thus making the rejection for anticipation improper. Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick Co., 221 USPQ 481, 485 (Fed. Cir. 1984).

Claim 1 recites, *inter alia*, from about 0.1 kg/ton to about 2 kg/ton of a cationic charge biasing species. The Office Action states that Reinheimer teaches the use of cationic fixing agents to fix the hemicellulose onto the fibers (Office Action dated August

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8, 2006, p. 3). The Applicants respectfully submit that Reinheimer only teaches the addition of a cationic fixative (Reinheimer, Col. 4, lines 35-39), but Reinheimer does not teach the levels as are claimed by the Applicants. The only level of cationic fixative taught in Reinheimer is 10 l/t of the industrially available cationic fixative Catiofast™. The concentration of Catiofast™ according to the producer's Materials Safety Data Sheet (MSDS) is 1 g/cm³ for the Catiofast NB-PD™ and Catiofast PL™ products and 1.08 g/cm³ for the Catiofast VMP™ product. The MSDSs are available online at: <http://worldaccount.basf.com/wa/PublicMSDS/Search> (keyword "Catiofast"), and copies of the MSDSs are attached. Thus, 1 liter of Catiofast™ weighs about 1 kg and 10 liters (as is taught in Reinheimer, Col. 7, lines 58-60) weighs about 10 kg. In other words, Reinheimer teaches the addition of 10 kg/ton of about Catiofast™ to the pulp. This is well above what is claimed by the Applicants. The Applicants claim a much lower level of cationic biasing species (from about 0.1 kg/ton to about 2 kg/ton) and there is no teaching in Reinheimer of the Applicants' claimed levels of cationic biasing species.

Thus, because not all of the Applicants' claimed limitations are taught by the prior art, the Applicants respectfully submit that the rejection over 35 U.S.C. §102(b) is improper and should be removed.

Rejection Under 35 U.S.C. §102(b) over U.S. Patent No. 5,810,972

Claims 1-6 and 17 stand rejected under 35 USC §103(a) over Reinheimer. This rejection is traversed on the grounds that Reinheimer does not teach, suggest, or motivate all of the Applicants' claimed limitations, thus making the rejection for obviousness improper. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

As argued above, Reinheimer fails to teach the Applicants' claimed levels of cationic biasing species. Further, Reinheimer does not provide any teaching, suggestion, or motivation for one of ordinary skill in the art to use the Applicant's claimed levels of cationic biasing species. Rather, the only disclosure in Reinheimer of specific levels of cationic fixatives is well above (an order of magnitude higher) the levels claimed by the Applicants. (Reinheimer, Col. 7, lines 58-60). Thus, there is no motivation to modify the Reinheimer teaching to arrive at the Applicants' claimed invention.

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Therefore, because Reinheimer does not suggest or motivate one of ordinary skill in the art to utilize the claimed range of from about 0.1 kg/ton to about 2 kg/ton of cationic biasing species, Applicants respectfully request removal of the obviousness rejection.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections under 35 U.S.C. §102(b) and 35 U.S.C. §103(a).

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied reference. In view of the foregoing, reconsideration of this application and allowance of Claims 1-6 and 17 is respectfully requested.

Respectfully submitted,

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By

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